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SERVICE DATE – OCTOBER 6, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 6 (Sub-No. 477X)

BNSF RAILWAY COMPANY–ABANDONMENT EXEMPTION–IN LOS ANGELES
COUNTY, CAL.

Decided: October 5, 2011

By decision served on September 16, 2011, the Board, under 49 U.S.C. § 10502, exempted from the prior approval requirements of 49 U.S.C. § 10903 the abandonment by BNSF Railway Company (BNSF) of its rail freight service easement over 4.85 miles of rail line (the Line) owned by Los Angeles County Metropolitan Transportation Authority, and the Board exempted the abandonment from the offer of financial assistance provisions of 49 U.S.C. § 10904. The Line extends between milepost 119.53, just east of the San Gabriel River, in Irwindale, and milepost 124.20, just east of the Santa Anita Blvd. grade crossing, in Arcadia, in Los Angeles County, Cal. The abandonment exemption is scheduled to become effective on October 16, 2011, subject to environmental and standard employee protective conditions.

One of the environmental conditions, an historic preservation condition, required that BNSF (or any holder of a successor interest in the rail property) retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effects) that are eligible for listing or listed in the National Register of Historic Places (National Register) until completion of the Section 106 process of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470(f), report back to the Board's Office of Environmental Analysis (OEA) regarding any consultations with the California Office of Historic Preservation (the State Historic Preservation Office or SHPO) and the public, and not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition. In a supplemental final environmental assessment issued on September 28, 2011, OEA states that, by letter dated September 21, 2011, the SHPO has submitted comments stating that it concurs with the determination that there are no historic properties identified within the Area of Potential Effects for the project and, therefore, the proposed abandonment would have no adverse effect on historic properties or cultural resources.

Accordingly, OEA states that, pursuant to Section 106 of the NHPA and consultation with the SHPO and the public, it has determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. Therefore, OEA recommends that the Section 106 historic preservation condition imposed in the September 16,

2011 decision be removed. Accordingly, based on OEA's recommendation, the previously imposed Section 106 historic preservation condition will be removed.¹

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the Section 106 historic preservation condition imposed in the September 16, 2011 decision is removed.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

¹ The other environmental conditions remain in effect.